THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 5321 of 2006

O r d e r:

The petitioner was appointed as Driver in the respondents-Corporation on 04.07.1974. He was issued a charge sheet dated 22.11.2004 alleging that while performing his duties on 11.11.2004 on route Kurnool to Maramungala he misbehaved with the lady conductor. The petitioner submitted his explanation denying the charges. Dissatisfied with the explanation, an enquiry was conducted, and the Enquiry Officer, who conducted enquiry into the charges, held the charges proved. Based on the enquiry report, the 3rd respondent issued show cause notice dated 18.04.2005 to the petitioner offering his comments/objections. The petitioner submitted his objections. However, vide proceedings dated 30.05.2005, the 3rd respondent imposed punishment of reduction of pay of the petitioner by two incremental stages for a period of two years which shall have effect on his future increments, besides treating the suspension period as not on duty for all purposes. The appeal and review petition filed by the petitioner assailing the said order of punishment, were dismissed. Hence, the petitioner filed the present writ petition questioning the said order insofar as it directed stoppage of two annual increments with cumulative effect and treating the suspension period as 'not on duty'.

The learned counsel for the petitioner submitted that the respondents failed to see that when the petitioner pointed out the mistake committed by the lady conductor in issuing tickets, she bore grudge against the petitioner and gave a false complaint against him after three days of the alleged incident. He further submits that the petitioner has not committed any misconduct and the allegations made

by the service conductor against the petitioner are baseless and not believable. He submits that the punishment imposed by the 3rd respondent is illegal and arbitrary, and prays to allow the writ petition and set aside the impugned order.

The learned Standing Counsel for the respondents-APSRTIC, however, supported the impugned order. He submitted that though the charges against the petitioner having stood proved in the enquiry, the 3rd respondent has taken a lenient view and imposed punishment of deferment of two annual increments with cumulative effect and treated the period of suspension as not on duty, and the same cannot be said to be an illegal or arbitrary, and prayed that no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

As can be seen from the record, the petitioner did not allege any procedural irregularities in the conduct of the enquiry. The petitioner was charge sheeted alleging that he misbehaved with the lady conductor. On the charges leveled against the petitioner, an enquiry was conducted. In the enquiry, the charges leveled against the petitioner stood proved. Though the charges against the petitioner stood proved in the enquiry, yet the disciplinary authority has taken a lenient view and ordered punishment of deferment of two annual increments with cumulative effect and treated the period of suspension as not on duty. Had the charges not been proved, the petitioner would have been justified in contending that the punishment imposed is not proper, but the charges having been proved in the enquiry, the disciplinary authority has taken a lenient view, which both the appellate authority as well as the review authority concurred. The law is well settled that it is not for the courts to interfere with the punishment imposed by the disciplinary authority in cases of gross

misconduct. In **Karnataka Bank Ltd. v. A.L. Mohan Rao**[1], the apex Court held that it is not for the courts to interfere in cases of gross misconduct of the nature with the decision of the disciplinary authority so long as the inquiry has been fair and proper and misconduct proved, and that in such matters, it is for the disciplinary authority to decide what is the fit punishment.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 14th November, 2006.
KSR

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[1] (2006) 1 SCC 63,